

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

333.12601 Definitions.

Sec. 12601. (1) As used in this part:

(a) "Child caring institution" and "child care center" mean those terms as defined in section 1 of Act No. 116 of the Public Acts of 1973, being section 722.111 of the Michigan Compiled Laws.

(b) "County medical care facility" means that term as defined in section 20104.

(c) "Educational facility" means a building owned, leased, or under the control of a public or private school system, college, or university.

(d) "Food service establishment" means a food service establishment as defined in section 12901.

(e) "Health facility" means a health facility or agency licensed under article 17, except a home for the aged, nursing home, county medical care facility, hospice, or hospital long-term care unit.

(f) "Home for the aged" means that term as defined in section 20106.

(g) "Hospice" means that term as defined in section 20106.

(h) "Hospital long-term care unit" means that term as defined in section 20106.

(i) "Licensed premises" means any portion of a building, structure, room, or enclosure in which alcoholic liquor may be sold for consumption on the premises pursuant to a license issued by the Michigan liquor control commission.

(j) "Meeting" means a meeting as defined in section 2 of the open meetings act, Act No. 267 of the Public Acts of 1976, being section 15.262 of the Michigan Compiled Laws.

(k) "Nursing home" means that term as defined in section 20109.

(l) "Public body" means a public body as defined in section 2 of the open meetings act, Act No. 267 of the Public Acts of 1976.

(m) "Public place", except as otherwise provided in subsection (2), means both of the following:

(i) An enclosed, indoor area owned or operated by a state or local governmental agency and used by the general public or serving as a place of work for public employees or a meeting place for a public body, including an office, educational facility, home for the aged, nursing home, county medical care facility, hospice, hospital long-term care unit, auditorium, arena, meeting room, or public conveyance.

(ii) An enclosed, indoor area which is not owned or operated by a state or local governmental agency, is used by the general public, and is 1 of the following:

(A) An educational facility.

(B) A home for the aged, nursing home, county medical care facility, hospice, or hospital long-term care unit.

(C) An auditorium.

(D) An arena.

(E) A theater.

(F) A museum.

(G) A concert hall.

(H) Any other facility during the period of its use for a performance or exhibit of the arts.

(n) "Smoking" or "smoke" means the carrying by a person of a lighted cigar, cigarette, pipe, or other lighted smoking device.

(2) Public place does not include a private, enclosed room or office occupied exclusively by a smoker, even if the room or enclosed office may be visited by a nonsmoker.

(3) In addition, article 1 contains general definitions and principles of construction applicable to all articles of this code.

History: Add. 1986, Act 198, Eff. Jan. 1, 1987;—Am. 1988, Act 294, Eff. Oct. 1, 1988;—Am. 1988, Act 296, Eff. Mar. 30, 1989;—Am. 1988, Act 315, Eff. Mar. 30, 1989.

Compiler's note: For transfer of certain powers and duties of the center for health promotion and chronic disease prevention from the department of public health to the director of the department of community health, see E.R.O. No. 1996-1, compiled at § 330.3101 of the Michigan Compiled Laws.

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333.12603 Smoking in public place or at meeting of public body prohibited; exception; applicability of section.

Sec. 12603. (1) Except as otherwise provided by law, an individual shall not smoke in a public place or at a meeting of a public body, except in a designated smoking area.

(2) This section does not apply to a room, hall, or building used for a private function if the seating arrangements are under the control of the sponsor of the function and not under the control of the state or local governmental agency or the person who owns or operates the room, hall, or building.

(3) This section does not apply to a food service establishment or to licensed premises.

(4) This section shall not apply to a private educational facility after regularly scheduled school hours.

History: Add. 1986, Act 198, Eff. Jan. 1, 1987;—Am. 1988, Act 296, Eff. Mar. 30, 1989;—Am. 1993, Act 217, Eff. Apr. 1, 1994.

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333.12605 Designation of smoking area; minimizing toxic effect of smoke; public place consisting of single room; written policy for separation of smokers and nonsmokers.

Sec. 12605. (1) A smoking area may be designated by the state or local governmental agency or the person who owns or operates a public place, except in a public place in which smoking is prohibited by law. If a smoking area is designated, existing physical barriers and ventilation systems shall be used to minimize the toxic effect of smoke in both smoking and adjacent nonsmoking areas.

(2) In the case of a public place consisting of a single room, the state or local governmental agency or the person who owns or operates the single room shall be in compliance with this part if 1/2 of the room is reserved and posted as a no smoking area.

(3) If smoking is permitted in a public place, the state or local governmental agency or the person who owns or operates the public place shall develop a written policy for the separation of smokers and nonsmokers which provides, at a minimum, for all of the following:

(a) Nonsmokers to be located closest to the source of fresh air.

(b) Special consideration to be given to individuals with a hypersensitivity to tobacco smoke.

(c) A procedure to receive, investigate, and take action on complaints.

History: Add. 1986, Act 198, Eff. Jan. 1, 1987;—Am. 1988, Act 296, Eff. Mar. 30, 1989.

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333.12607 Prevention of smoking; duties of state or local governmental agency.

Sec. 12607. The state or local governmental agency or the person who owns or operates a public place shall, at a minimum, do all of the following in order to prevent smoking:

(a) Post signs which state that smoking in that public place is prohibited, except in designated smoking areas, pursuant to this part.

(b) Arrange seating to provide, as nearly as practicable, a smoke-free area.

(c) Implement and enforce the policy for the separation of smokers and nonsmokers developed under section 12605(3).

History: Add. 1986, Act 198, Eff. Jan. 1, 1987;—Am. 1988, Act 296, Eff. Mar. 30, 1989.

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